



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Steve Sisolak, *Governor*
Bradley Crowell, *Director*
Greg Lovato, *Administrator*

June 3, 2020

Erin Loza
Environmental Manager
Cemex Construction Materials Pacific, LLC
2365 Iron Point Road, Ste. 120
Folsom CA, 95630

**RE: Notice of Alleged Air Quality Violation No. 2788
Class II Air Quality Operating Permit AP1442-3826 (FIN A0425)**

Dear Ms. Loza:

The Nevada Division of Environmental Protection (NDEP) alleges that Cemex Construction Materials Pacific, LLC (Cemex) has violated conditions of Class II Air Quality Operating Permit (AQOP) No. AP1442-3826 and state or federal air pollution control regulations.

On May 18, 2020, NDEP held an enforcement conference with Cemex to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2788 was or was not warranted. During the enforcement conference Cemex did not supply any evidence that the alleged violations did not occur. Based on the information provided by Cemex, NDEP has determined that formal issuance of NOAV No. 2788 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, this violation constitutes as a major violation and is Cemex's Second air quality violation within the last 60 months.

As was discussed during the enforcement process, NDEP makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for an air quality violation. NDEP will be recommending a penalty of **\$25,620.00** for NOAV No. 2788. The penalty was calculated based on use of the Administrative Penalty Matrix for air quality violations. The SEC will notify you of the date, time, and location of the hearing to determine what penalty may be assessed.

Appeals of NOAV No. 2788 may be requested pursuant to **Nevada Revised Statute (NRS) 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations** and SEC administrative rules. Requests for an appeal hearing must be filed with the SEC within ten (10) days after the of the notice, pursuant to **NRS 445B.340 Appeals to Commission: Notice of appeal**. A copy of SEC Appeal Form #3 is enclosed and can also be found on the SEC website at: https://sec.nv.gov/uploads/documents/sec_form3_writable.pdf. Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mrs. King can be reached at (775) 687-9374, or by email at yking@ndep.nv.gov. Please provide me with a copy of any correspondence your company may have with the SEC.

Cemex Construction Materials Pacific, LLC

June 3, 2020

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If you have any questions please contact me at by email at atucker@ndep.nv.gov or by phone at (775) 687-9499.

Sincerely,



Andrew Tucker
Supervisor, Enforcement Branch
Bureau of Air Quality Planning

AJT

enc.: 1. Notice of Alleged Violation No. 2788
2. SEC Form #3

cc (w/enc.): Valerie King, SEC
Storey County Board of Commissioners
FIN A0425 (Certified Copy)

E-Copy: Danilo Dragoni, Ph.D., Chief, BAQP
Lisa Kremer, P.E., Chief, BAPC
Travis Osterhout, P.E., Compliance Supervisor, BAPC
Ashley Taylor, P.E., GISP, Permitting Supervisor, BAPC
Tanya Soleta, P.E., Permitting Supervisor, BAPC
David Dragon, Enforcement Staff, BAQP

Certified Mail No.: 9171 9690 0935 0238 8352 66

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY PLANNING
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249
NOTICE OF ALLEGED AIR QUALITY VIOLATION NO. 2788

Person(s) to Whom Served: Erin Loza, Environmental Manager
Company Name: Cemex Construction Materials Pacific, LLC
Address: 2365 Iron Point Road, Ste. 120, Folsom CA, 95630
Permit Number: AP1442-3826 **FIN:** A0425
Site of Alleged Violation: Lockwood Aggregate Plant, 1 mile Southeast of Lockwood, Nevada.
Date of Observation: 2/26/2020 **Time:** 12:00 PM

It is alleged that the following regulation was violated by the person named in this notice:

Nevada Administrative Code (NAC) 445B.275 Violations: Acts constituting; notice.

1. Failure to comply with any requirement of NAC 445B.001 to 445B.3689, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Failure to operate and maintain permit-required controls.

Evidence:

Cemex Construction Materials Pacific, LLC (Cemex) currently holds a Class II Air Quality Operating Permit (AQOP) to operate an aggregate plant under the requirements of AQOP No. AP1442-3826, issued by the Nevada Division of Environmental Protection (NDEP) on January 14, 2020.

NDEP staff conducted a facility field visit on February 26, 2020, after observing an undetermined amount of opacity originating from the facility. During the inspection, NDEP staff observed that the facility was operating 14 emission units without operating the required air pollution control equipment, as shown in Table 1. Each emission unit listed in Table 1 is required by the AQOP to have water sprays or fogging water sprays operating in the correct position and orientation for controlling emissions, during all periods of operation.

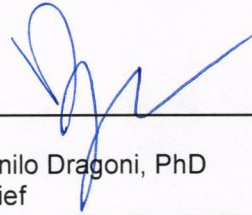
Table 1: Emission Units operating without controls

System	Emission Unit(s)	Description	Control
01	PF1.001	Grizzly Feeder Loading	Fogging water sprays
02	PF1.002	Grizzly Feeder Transfer	Fogging water sprays
03	PF1.003	Jaw Crusher	Fogging water sprays
04	PF1.004	Conveyor Transfer	Fogging water sprays
05	PF1.005	Double Deck Screen	Fogging water sprays
06	PF1.006, & PF1.008 to PF1.011	Conveyor Transfers	Fogging water sprays
23	PF1.066	Aggregate Transfer	Water sprays
24	PF1.067	Jaw Crusher	Water sprays
25	PF1.068	Jaw Under Conveyor	Water sprays
26	PF1.069	Screen	Water sprays

On May 18, 2020, NDEP held an enforcement conference with Cemex to determine whether issuance of Notice of Alleged Air Quality Violation (NOAV) No. 2788 was or was not warranted. During the enforcement conference Cemex did not supply any evidence that the alleged violation did not occur, NDEP has subsequently determined that formal issuance of NOAV No. 2788 is warranted.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines**, the alleged violation constitutes a major violation and it is Cemex's second air quality violation within the last 60 months.

Signature _____



Issued by: Danilo Dragoni, PhD
Chief
Bureau of Air Quality Planning

Phone: 775-687-9340 Date: June 3, 2020

DD/ajt/dd

Certified Mail No.: 9171 9690 0935 0238 8352 66

Revised 6-2012

NEVADA
STATE ENVIRONMENTAL
COMMISSION

Representative capacity (if applicable): _____

☐ Final decision was arbitrary or capricious or characterized by abuse of discretion;

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5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Date of Request: _____.

Supporting Documents



After signing and submitting this form (below), attach the permit or notice of alleged violation that you are appealing directly to your email message. Include other supporting documents as needed.

Send form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701